

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

AT BECKLEY

CENTER FOR BIOLOGICAL DIVERSITY,
et al.,

Plaintiffs,

v.

UNITED STATES FOREST SERVICE, *et al.*

Defendants,

v.

SOUTH FORK COAL COMPANY, LLC,

Defendant-Intervenor.

Civil Action No. 5:24-cv-00274 (Judge Volk)

DECLARATION OF JAY DORAN CALLAHAN

I, Jay Doran Callahan, declare that if called as a witness in this action I would competently testify of my own personal knowledge as follows:

1. I am a member of Appalachian Voices and have been since November 6, 2023. As a member of Appalachian Voices (“AV”), I volunteered as an intern from the fall of 2020 through the summer of 2023. Today, as a member, I rely on AV to keep me informed about environmental concerns and news in the Appalachian region. I receive AV newsletters and read AV articles that highlight environmental challenges, help me identify legislative and administrative actions, and keep me abreast of ecological news. I donate to AV’s work.

2. I currently live in Richmond, Virginia but spent every summer of my childhood in Trout, West Virginia, in Greenbrier County.

3. I have been fishing and exploring on the North Fork of the Cherry River for years. I first fished and explored the North Fork of the Cherry River on June 27, 2022, and returned for the same on July 2, 2022, March 11, 2023, April 29, 2023, and March 8, 2024. This involves going to the river, searching for water likely to hold fish, and exploring tributaries that lead into the river. I hope to continue to explore the North Fork – and visit the South Fork – of the Cherry River within the Monongahela National Forest, including as far up the river as I am able. I usually access the North Fork of the Cherry by taking 219 from the south and turning onto WV-55 at Mill Point. I have fished from where Darnell Run parallels WV-55 through where the road becomes WV-39; essentially anywhere the road parallels the Cherry all the way through to Richwood.

4. In general, I travel to the North Fork of the Cherry between three and four times each year to fish for both indigenous and imported species, i.e., trout. Trout are predators that rely on smaller fish, including the candy darter, to survive. Without the smaller species to support the larger, my recreational pursuit of fishing would not be possible. Specifically, I plan to return to the North Fork of the Cherry March 8 and 9, 2025, to take advantage of early season warmer water, as well as in the summer of 2025, to take advantage of mid-year trout stocking.

5. I am interested in any indigenous species in the Cherry, its tributaries, and other Appalachian waterways. I enjoy viewing native wild brook trout, the candy darter, crayfish, and any other natural invertebrates and fish, and I look for them every time I go fishing on the North Fork of the Cherry River. To me, indigenous species indicate healthy, clean, water for both people in the area and the species that live there.

6. I have a specific aesthetic interest in the candy darter and other indigenous species. Somehow the streams in West Virginia are home to beautifully colored fish, like the

candy darter, that look like they belong in the Amazon. I am amazed at their auspicious coloring in an environment that can otherwise be drab shades of green and brown. I go to the Cherry River and its tributaries just to look at these species. I often catch fish, but only to see them and enjoy them. I do not harvest any fish from the Cherry River and release them shortly after catching with the hopes that I have not harmed them in any way.

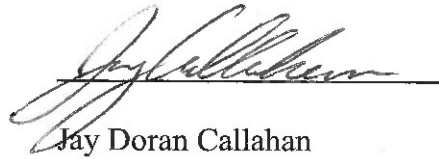
7. The loss of the candy darter and other indigenous species would hollow my aesthetic experience in traveling to the Cherry. I likely would not go there at all if the natural species were wiped out.

8. I am aware of the Rocky Run Mine and the road use permit the Forest Service issued to it for the use of Forest Service Roads 223 and 249. I am concerned about the lack of environmental review given the well-known impacts coal mining and hauling can have on candy darters and other freshwater fish, especially the impacts from sedimentation associated with the road and the mine.

9. If this Court were to order the Forest Service to complete the necessary environmental reviews, which may result in increased efforts to eliminate or alleviate the impacts associated with the mine and the haul roads, that would redress my injury, at least in part, because it means that the candy darter and the other species that call the South and North Fork of the Cherry River home may receive greater protections, increasing the likelihood that I will be able to continue to view and fish for them in the future.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

18 Richmond, VA.
Executed on November XX, 2024, in [city], [state].



Jay Doran Callahan